

REMARKS

The pending claims are 1-5, 11-3, and 19-23 following a restriction requirement. The remaining claims as originally filed remain withdrawn from consideration. It is the applicant's understanding that "If claims 1-5 are subsequently found to be allowable, the question of rejoinder will be considered.

The pending claims stand rejected under 35 USC §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention" on the basis of several points of uncertainty helpfully pointed out by the Examiner. By the foregoing amendment, these points of uncertainty have been corrected in a manner which applicant believes supports the withdrawal of the rejection under 35 USC §112.

Claims 1-4, 11, 12, and 19-22 stand rejected under 35 USC §103 "as being unpatentable over Brown et al." Claims 5, 13, and 23 stand rejected under 35 USC §103 "as being unpatentable over Brown et al. in view of Wu et al or Bergman et al."

The independent claims are 1, 11, and 19. Claims 5, 13, and 23 are directed to transmitting and switching signals on a single substrate containing the element by optical methods and apparatus. The Wu et al. and Bergman et al. articles cited by the Examiner as being prior art are, in fact, not prior art with respect to the transmitting and switching of signals on a single substrate by optical methods as the inventor herein, Larry Bergman is the Bergman of those two articles and this application was filed less than one year from the publication date of those articles. Wherefore, in the interest of moving this application to allowance as quickly as possible, the subject matter of claims 5, 13, and 23 has been incorporated into independent claims 1, 11, and 19, respectively, by the foregoing amendment. As a result, independent claims 1, 11, and 19 now contain limitations directed to inventive subject matter of the applicant herein which is not shown or suggested by any prior art of record and, therefore, should now be allowable.

Claims 2, 3, 21, and 22 add further limitations to allowable claims and, therefore, should be allowable as well. Additionally, claims 2 and 20 are directed to "said element selection logic means includ[ing] means for accepting dynamic inputs designating changes in the operating environment of the computer and means for changing the ones of said elements which execute each instruction as a function of said dynamic inputs whereby instruction execution is affected in an optimum manner for the present dynamic conditions." Such dynamic changing in response to a changing environment is not shown or suggested by Brown et al. and, therefore, the subject matter of claims 2 and 20 is patentable in its own regard in addition to being contained in dependent claims depending from allowable claims. For that reason, two new independent claims 37 and

38 formed from claim 1 plus claim 2 and claim 19 plus claim 20, respectively, have been included within the foregoing amendment. The fee of \$48.00 ($2 \times \$18 + 2 \times \$6 = \48) for these additional claims is enclosed herewith.

Since the claims presently withdrawn from consideration as a result of the restriction requirement are directed to further limitations on the subject matter of claims 5, 13, and 23 which have now been incorporated into independent claims 1, 11, and 19, respectively, it is applicant's belief that rejoinder of those claims would be proper and should take place at this time.

Wherefore, in view of the foregoing amendment and these remarks, it is applicant's belief that this application is now in condition for allowance and for the rejoinder of the withdrawn claims. Re-examination and rejoinder is respectfully requested and, in the absence of newly cited art, favorable reconsideration in the form of an early Notice of Allowance is courteously solicited.

No objection having been made to the content of the drawings, the formal drawings are being transmitted herewith to replace the informal drawings with which the application was filed for examination purposes.

An extension of time of three months extending the time for response from 9 September 1989 to 9 December 1989 is requested and petitioned for. The required fee of \$215.00 (Fee Code 217) is enclosed herewith.

Respectfully submitted,



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I certify that the foregoing was mailed by First Class Mail with postage attached and addressed to the Hon. Commissioner of Patents & Trademarks, Washington, DC 20231 on 28 November 1989.



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